

Att'y Dkt. No. 3075.004U.S. App. N : 10/042,332**REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Objections to the Abstract

Applicant has amended the Abstract to include at least 50 words. In view of this Amendment, Applicant submits that the objection to the Abstract should be withdrawn.

Rejections under 35 U.S.C. §112

The Examiner rejected claims 1-4 and 12-20 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention on the apparent basis that structure plus function claim language somehow renders a claim indefinite. Applicants submit that this is not a proper basis for rejection. The Federal Circuit has specifically held that structure plus function language should be interpreted as requiring that the recited structure have the capability to perform the recited function. *Intel Corp. v. ITC*, 946 F.2d 821, 832 (Fed. Cir. 1991). It may be that the Examiner is correct that for purposes of examination in the patent office a statement of intended use does not add patentable weight, but at the same time, a statement of intended use does not render a claim indefinite.

If the Examiner continues with this rejection, the rejection nevertheless should be withdrawn. Claim 1 has been amended to affirmatively recite a receiver as an element of that particular claim. Claims 13, 19, and 20 have been amended to delete the functional language objected to by the examiner. The structure plus function language in claim 14 has been amended to standard means plus function form.

Att'y Dkt. No. 3075.004U.S. App. N : 10/042,332***Rejections Under 35 U.S.C. §102***

The Examiner rejected claims 1-4, 12-14, 16, 19, and 20 under 35 U.S.C. § 102 as being anticipated by Rider et al. The Examiner, however, makes no reference to any rejection of claims 15 and 17-18 based upon prior art. Applicants have amended claim 14 to include the element previously recited in claim 15. Applicant submits that on that basis alone, claims 14 and 16-18 are patentable over Rider et al.

With respect to claim 1, the Examiner cites element 72/272 of Rider et al. as being a "fin-shaped guide," but that element is nothing of the sort. Element 72/272 of Rider et al. is described in the specification as a "transverse body portion" and is not a "guide" because it has no guiding function. Since claims 2-4 depend from claim 1, they are patentable over Rider et al. for at least the reasons stated with respect to claim 1.

Amended claim 13 now recites with respect to the base "a tongue and groove structure along a substantial portion of a perimeter of said housing." In contrast, the purported tongue and groove structure of Rider et al. extends from a face of back cover 70 and is not "along a substantial portion of a perimeter of said housing." Similarly, claims 19 and 20 now recite a flat surface around a substantial portion of an outer edge region of a face of the base housing and a flat surface of the cover opposing the flat surface of the housing. Rider et al. has no such opposing flat surfaces. New dependent claims 21-26 are patentable for at least these reasons.

Additional claim amendments have been made to correct typographical errors and to clarify the scope of the invention.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

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If the Examiner believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

If any fees are due in connection with this response that are not covered by the attached transmittal sheet, including fees for any necessary extensions of time, such additional fees may be charged to Deposit Account No. 50-2837,

Respectfully submitted,

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